

---

---

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

---

JOHN BALLESTER,

§

Petitioner,

§

*versus*

§ CIVIL ACTION NO. 1:13-CV-605

WARDEN, FCC BEAUMONT,

§

Respondent.

§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Petitioner John Ballester, a prisoner confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommended that the petition for writ of habeas corpus be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 3rd day of January, 2014.



---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE